

## **REMARKS**

Applicant wishes to thank Examiner Hopkins for his time and courtesy in conducting the telephonic interview on May 27, 2003.

Claims 1-35 were originally pending in the application. Claims 1-8, 13-15, and 26-35 are rejected. Claims 9-12 are objected to. Claims 16-25 are allowed. Claims 1, 5-9, 11, 15, 26, 28-33, and 35 have been amended. New claims 36-54 have been added. Claims 1-54 are now pending in the application. Favorable reconsideration and allowance of this application is respectfully requested in light of the following remarks.

### **I. Claim Rejections Under 35 U.S.C. §112**

Claim 26 (and hence corresponding dependent claims 27-32) were rejected because the limitation "the secondary filter media" lacks antecedent basis. Applicant has amended claim 26 to overcome this rejection.

### **II. Summary of Telephonic Interview**

Prior to addressing the individual claim rejections over prior art, Applicant will first provide a summary of the telephonic interview of May 27, 2003. During the interview, Applicant and the Examiner agreed that none of the cited prior art teaches or suggests, either alone or in combination, the following: 1) a secondary filter having a filter media that includes beads made of silica, ceramic, metal, glass, a diatomaceous earth, and zeolite; and 2) a primary filter and a secondary filter disposed immediately downstream of the primary filter, wherein the secondary filter has a filter media including beads.

The Examiner further informed Applicant during the interview that the Diachuk reference discloses pellets, which are equated to beads as originally claimed in the present application.

### **III. Claim Rejections Under 35 U.S.C. §102**

Claims 1, 2, 5, 6, 7, 13, 15, 26, 28, 29, and 33-35 are rejected under 35 USC 102 as being anticipated by at least one of the Diachuk, More, and Rohrer references.

A. Independent Claim 1 and Corresponding Dependent Claims

The Office Action rejects independent claim 1 as being anticipated by each of More, Diachuk, and Rohrer. Claim 1 has been amended to recite that the secondary filter includes beads selected from the group consisting of silica, ceramic, metal, glass, a diatomaceous earth, and zeolite. As discussed during the telephonic interview, none of the cited references teach or suggest this claim limitation.

Accordingly, Applicant asserts that independent claim 1 and corresponding dependent claims 2-15 are allowable over the cited prior art.

B. Independent Claim 26 and Corresponding Dependent Claims

The Office Action rejects independent claim 26 as being anticipated by each of More, Diachuk, and Rohrer. Claim 26 has been amended to recite the step of outputting the primary airflow directly into a filter media of the secondary filter that includes filtering beads. As discussed during the telephonic interview, none of the cited references teach or suggest this claim limitation.

Accordingly, Applicant asserts that independent claim 26 and corresponding dependent claims 27-32 are allowable over the cited prior art.

C. Independent Claim 33 and Corresponding Dependent Claims

The Office Action rejects independent claim 33 as being anticipated by each of More, Diachuk, and Rohrer. Claim 33 has been amended to recited that the secondary filter includes a bed of filtering beads that receives the once-filtered air from the primary filter and entraps airborne particles to output at least twice-filtered air towards the outlet. This claim notably does not require that the secondary filter be disposed immediately downstream of the primary filter. The claim does, however, require that the beads entrap airborne particles.

Applicant Diachuk's pellets in filter unit 108 attract *gaseous* contaminants and *react* with the gasses by an oxidation process to neutralize the odors and contaminants (Col. 5, lines 22-25, italics added for emphasis). Diachuk's pellets thus do not entrap airborne impurities. Furthermore, Diachuk teaches away from entrapping airborne particles with the disclosed pellets because, if the airborne particles are not removed prior to the air reaching filter 108, the airborne particles would coat the pellets and prevent the pellets from reacting with gaseous contaminants.

Accordingly, Applicant asserts that claim 33 and corresponding dependent claim 34 are allowable over the cited references.

D. Independent Claim 35

The Office Action rejects independent claim 35 as being anticipated by Moore, Diachuk, and Rohrer. Claim 35 has been amended to recite that the second filter has a filter media including filter beads, and wherein air can pass from the first filter to the second filter without passing through any other air filters. As discussed during the telephonic interview, the only reference that arguable discloses filter beads is Diachuk. However, Diachuk discloses another filter 103 interposed between primary filter 37 and filter 108 (that includes the pellets). Accordingly, air is incapable of passing from the primary filter 37 to filter 108 without first passing through any other air filters. None of the cited references, alone or in combination, teach or suggest this claim limitation.

Accordingly, Applicant asserts that claim 35 is allowable over the cited prior art.

**IV. Claim 29**

Applicant notes that claim 29 is deemed rejected on the cover page of the Office Action. However, Applicant was unable to locate a substantive rejection of claim 29 in the Office Action. Claim 29 depends indirectly from claim 26, and recites that filtering beads are porous, and that step (D) further comprises the step of absorbing impurities from the primary airflow into the beads. As discussed above, Diachuk's beads do not absorb impurities from the airflow. Moreover, independent claim 26 provides sufficient basis for the patentability of dependent claim 29.

Accordingly, Applicant asserts that claim 29 is allowable over the cited references.

**V. Claim Rejections under 35 U.S.C. §103**

Claims 3, 4, 14, and 27 are rejected as being unpatentable over Rohrer or Diachuk in view of Neitzel. Claims 3, 4, and 14 depend from independent claim 1 and are thus allowable over the cited references for at least the reasons stated above for claim 1. Claim 27 depends from independent claim 26 and is thus allowable over the cited references for at least the reasons stated above for claim 26.

Claims 7 and 30 are rejected as being unpatentable over Diachuk in view of Frazier. Claim 7 depends from independent claim 1 and is thus allowable over the cited references. Claim 30 depends from independent claim 26 and is thus allowable over the cited references.

#### **VI. Allowable Subject Matter**

Applicant notes with appreciation the Examiner's indication that claims 9-12 contain allowable subject matter. Applicant asserts that the allowability of independent claim 1 provides sufficient basis for the allowance of claims 9-12. Formal allowance of claims 9-12 is therefore respectfully requested.

Applicant also notes with appreciation the Examiner's indication that claims 31 and 32 contain allowable subject matter. Applicant asserts that the allowability of independent claim 26 provides sufficient basis for the allowance of claims 31 and 32. Formal allowance of claims 31 and 32 is therefore respectfully requested.

Applicant further notes with appreciation that claims 16-25 have been allowed.

#### **VII. New Claims**

Applicant has added new claims 36-38 that depend from independent claim 1, and are thus allowable over the cited prior art.

Applicant has also added new claims 39-42 that depend from independent claim 26, and are thus allowable over the cited prior art.

Applicant has also added new claims 43-46 that correspond generally to original dependent claims 9-12, which have been deemed to contain allowable subject matter. Independent claim 43 differs from claim 9, however, in that the gaps between the filter entrap, rather than store, the additional impurities therein. Allowance of claims 43-46 is respectfully requested.

Applicant has further added new claims 47-54 that depend from independent claim 33, and are thus allowable over the cited prior art.

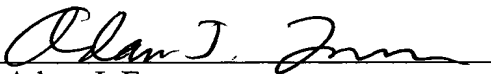
#### **VIII. Conclusion**

Applicant therefore respectfully asserts that all rejections and objections cited by the Examiner have been overcome. Accordingly, the application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

The Commissioner is hereby authorized to deduct the \$426 fee including a \$342 fee for the addition of nineteen claims greater than twenty and a \$84 fee for the addition of one (1) independent claims greater than three, along with any other fees arising from this or any other communication, from deposit account No. 17-0055. The Examiner is invited to contact the undersigned at the telephone number appearing below if such would advance the prosecution of this application.

Respectfully submitted,

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